

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

**LLOYD PALMS
LADONNA PALMS
228 SANDERS FERRY RD #N-189
HENDERSONVILLE, TN 37075
Debtors**

**CASE NO. 3:13-bk-04655
CHAPTER 13
JUDGE HARRISON**

**SSN: xxx-xx-8387
xxx-xx-0786**

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: *September 1, 2017*. IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: *September 20, 2017, 8:30 A.M.*, Court Room 1, 2nd Floor Customs House, 701 Broadway, Nashville, TN 37203

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM
OF INLAND BANK/INSOLVE AUTO FUNDING AS A LONG TERM DEBT
PURSUANT TO § 1322(b)(5)**

The Debtor has asked the Court for the following relief: **permission to modify the Debtor's plan to provide for claim of Inland Bank/InSolve Auto Funding as a Long Term Debt pursuant to §1322(b)(5)**

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before **September 1, 2017**, you or your attorney must:

1. File with the court your written response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday – Friday, 8:00 A.M. – 4:00 P.M.)

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by viewing the case on the court's web site at www.tnmb.uscourts.gov.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: August 11, 2017

/S/ MARK PODIS

Mark Podis, BPR #012216

Attorney for Debtor

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CHAPTER 13
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**MOTION TO MODIFY CHAPTER 13 PLAN TO PROVIDE FOR CLAIM OF INLAND
BANK/INSOLVE AUTO FUNDING AS A LONG-TERM CLAIM PURSUANT TO §
1322(b)(5)**

COMES NOW the Debtors, by and through counsel, and would move this Honorable Court for permission to modify the Chapter 13 plan pursuant to 11 U.S.C. §1329 and to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5).

The Debtors' Chapter 13 proceeding was filed on May 28, 2013 confirmed on August 27, 2013, paying a dividend of 47.32% to unsecured creditors. As grounds, the Debtors would state the following:

1. The Debtors seek permission to modify their Chapter 13 plan to provide for claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5). The terms of the loan are as follows:
 - a. The Debtors seek to finance a 2015 Kia Optima, VIN 5XXGM4A78FG352949 ("motor vehicle"). The amount to be financed is \$14,353.00 at a rate of 22.018%, to be paid by the Trustee with an ongoing monthly payment of \$396.56 beginning July 26, 2017 as a Class 3 creditor.
 - b. Inland Bank/InSolve Auto Funding shall be paid as a Class 3 creditor upon the filing of an approved Proof of Claim.

- c. Debtors shall maintain full coverage insurance on the motor vehicle and list Inland Bank as the loss payee.
 - d. The Debtors waive discharge of this post-petition debt to Inland Bank. Inland Bank/InSolve Auto Funding's claim for post-petition financing is a continuing debt under 11 U.S.C. § 1328(a)(1) and is not subject to discharge thereunder.
 - e. The claim of Inland Bank/InSolve Auto Funding shall be treated by the Trustee as a long-term obligation pursuant to 11 U.S.C. § 1322(b)(5), and the Trustee need not allocate interest and principal in the disbursements to Inland Bank.
 - f. The Order Confirming Chapter 13 Plan shall be modified to provide that the Debtors' obligation to Inland Bank/InSolve Auto Funding is a secured obligation and shall be paid directly by the Debtors after completion of the Chapter 13 plan pursuant to the terms of the agreement between the Debtors and Inland Bank.
 - g. Should the Debtors default on the plan payments or insurance, Inland Bank shall notify Debtors and Debtors' counsel of the default and, if the default is not cured within ten (10) days of such notice, Inland Bank may thereupon have relief from the automatic stay of 11 U.S.C. § 362(a) by the filing of a "Notice of Default Constituting Order of Relief From Stay" without the necessity of the filing of a motion for a hearing in this Court.
- 2. The Chapter 13 plan shall not be affected. Debtor 1's payments to the Trustee shall increase to \$207.07 biweekly. Debtor 2's payments to the Trustee shall remain at \$151.25 semimonthly.
 - 3. The base shall be increased to \$47,805.00.

4. Except as set forth herein, all other plan provisions of the Order confirming the Debtors' Chapter 13 plan remain unaffected by this modification and no other creditors are affected by this modification.
5. The Debtors seek permission to modify their plan to reflect these changes.
6. The Debtors' Chapter 13 plan allows such modification and will allow the Debtors to successfully complete their Chapter 13 plan and reorganize their estate.
7. An Letter to Incur Debt to Purchase a Vehicle was signed on June 13, 2017 and is attached hereto as Exhibit 1.

Wherefore, Debtor prays that an Order be entered allowing:

1. Debtors to modify their Chapter 13 plan to provide for the claim of Inland Bank/InSolve Auto Funding as a long-term claim per 11 U.S.C. §1322(b)(5).

Respectfully submitted,

Date: August 11, 2017

/S/ MARK PODIS

Mark Podis, BPR #012216

Attorney for Debtor

1161 Murfreesboro Pike Suite 300

Nashville, TN 37217

Phone (615) 399-3800

Fax (615) 399-9794

Email – PodisBankruptcy@aol.com

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the forgoing has been mailed to all interested parties, delivered to the **Chapter 13 Trustee**, PO Box 340019, Nashville, TN 37203, delivered to the **Assistant U.S. Trustee for the Middle District of Tennessee**, 3rd floor, Customs House, 701 Broadway, Nashville, TN 37203, to the debtors **Lloyd and LaDonna Palms**, 228 Sanders Ferry Rd #N-189, Hendersonville, TN 37075, **Inland Bank/InSolve Auto Funding, LLC c/o Capital Recovery Group, LLC**, PO Box 64090, Tuscon, AZ 85728-4090, and to all creditors, copies were also sent via CM/ECF @ <http://ecf.tnmb.uscourts.gov> on this 11th day of August 2017.

A TOTAL OF 34 COPIES HAVE BEEN SENT BY FIRST CLASS MAIL TO CREDITORS PER ATTACHED MATRIX

/S/MARK PODIS

MARK PODIS